



STATE OF WASHINGTON

DEPARTMENT OF ECOLOGY

15 West Yakima Avenue, Suite 200 • Yakima, Washington 98902-3452 • (509) 575-2490

May 7, 2001

George Johnson
PO Box 935
Sunnyside WA 98944-0935

Re: Emergency Drought Permit G4-32964

In accordance with the provisions of RCW 43.83B.405, on March 14, 2001, it was ordered and determined by the Director of the Department of Ecology that the State of Washington is under drought conditions. In accordance with the provisions of WAC 176-166-060, the Department of Ecology is under the terms of this Order, issuing an EMERGENCY DROUGHT PERMIT. The intent of this authorization is to alleviate hardships and reduce the burdens on water users arising from the drought conditions.

THIS AUTHORIZATION SHALL IN NO MANNER BE CONSTRUED TO GUARANTEE OR IMPLY THAT A FINAL (REGULAR) PERMIT WILL ISSUE FOR THE FUTURE USE OF THE WATER USE HEREIN AUTHORIZED.

The Department of Ecology has agreed to fund the cost of the mitigation or offsets for the impacts associated with the drought emergency authorizations. Ecology is attempting to meet the essential irrigation needs of farmers growing orchard crops, grapes and hops where the loss of irrigation water would permanently damage trees and vines. Essential needs have been defined as 75% to 80% of a usual irrigation water duty delivered by the irrigation districts.

This authorization is conditioned by the following provisions and limitations:

This authorization is for an existing well located within the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Section 2, T. 9 N., R. 23 E.W.M.

The instantaneous quantity of water to be withdrawn is limited to 800 gpm based upon the instantaneous quantity requested in the application.

The annual quantity authorized is based on the crop type. The applicant has described the crop type on the land as 94 acres of wine grapes. Based on a supplemental crop duty of 0.7 acre-feet for wine grapes a total of 65.8 acre-feet per year is authorized under this emergency permit.



The place of use is described as follows:

That portion of the SE¼ of Section 2, T. 9 N., R. 23 E.W.M. lying northerly and easterly of the Sunnyside Main Canal; EXCEPT that portion of the NW¼SE¼ lying north and west of the County Road; said parcel more particularly described as follows:

Beginning at a point on the north-south center line of said Section 2, which point is 308.9 feet south of the center line of Section 2; thence north 308.9 feet; thence east 387.1 feet, more or less, to the westerly most right of way of said County Road; thence south 47°30' west along said right of way line to the point of beginning;

AND EXCEPT beginning at a point on the north line of said subdivision 1429.7 feet east of the northwest corner thereof; thence south 33°08' west 887.4 feet; thence south 39°15' west 235.0 feet; thence north 57°48' west 162.6 feet along northerly right of way line of Sunnyside Canal; thence south 88°25' west 662.2 feet; thence leaving said right of way line north along the west line of said N½SE¼ 834.0 feet to the northwest corner thereof; thence north 89°19' east along the north line 1429.7 feet to the beginning;

That part of the N½NE¼ of Section 11, T. 9 N., R. 23 E.W.M. lying north and above the right of way of the Sunnyside Main Canal.

EXCEPT all rights in and to the minerals of any kind or nature, on, in, under or produced, including but not limited to, oil, gas, casing head gas, and related forms of minerals, sand, gravel, shale, precious metals, gems and other minerals of commercial value underlying the surface of said land and all rights and easements in favor of the estate. Situate in Yakima County, State of Washington.

A suitable flow meter approved by the Department of Ecology shall be installed and maintained in accordance with WAC 508-64-020 through WAC 508-64-040. (Installation, operation and maintenance requirements attached hereto.)

Whenever water is being diverted, bi-weekly (every two weeks) readings of the flow meter shall be recorded and maintained by the permittee. These readings shall be documented by time, date, withdrawal rate, and the person conducting the measurements. Copies of these records shall be submitted to the Department of Ecology at the end of the 2001 irrigation season.

Withdrawal of water under this right may be limited or otherwise regulated in favor of senior rights.

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

This drought emergency authorization expires on October 31, 2001.

This Order may be appealed pursuant to RCW Chapter 43.21B. The person to whom this Order is issued must file an appeal with the Pollution Control Hearings Board **within thirty (30) days of receipt of this Order**. Send the appeal to: Pollution Control Hearings Board, P.O. Box 40903, Olympia, Washington 98504-0903. At the same time, a copy of the appeal must be sent to: Department of Ecology, Fiscal Office, P.O. Box 47615, Olympia, Washington 98504-7615. All others receiving notice of this Order must file an appeal with the Pollution Control Hearings Board **within thirty (30) days of the date the Order was mailed** in the same manner described above.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Barwin', with a long horizontal line extending to the right.

Robert F Barwin
Section Manager
Water Resources Program

PC:gg
010513

Enclosures: Flow Meter Requirements
cc: Yakama Nation